

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA McCORMICK,

Plaintiff,

v.

Case No. 08-CV-10075

ROBERT BRZEZINSKI, et al.,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFF'S "MOTION FOR
RECONSIDERATION TO COMPEL DISCOVERY DUE TO
PALPABLE ERROR AND REQUEST FOR
CORRECTION OF THE COURT[']S ORDER"**

On September 22, 2008, the court issued an order denying Plaintiff Linda McCormick's motion to compel. Now pending before the court is Plaintiff's "Motion for Reconsideration to compel discovery due to palpable error and request for correction of the courts [sic] order," filed September 30, 2008.¹ No response or hearing is required on the motion. See E.D. Mich. LR 7.1(g). For the reasons stated below, the court will deny the motion.

Eastern District of Michigan Local Rule 7.1(g) provides that a motion for reconsideration shall be granted only if the movant can (1) "demonstrate a palpable defect by which the court and the parties have been misled," and (2) show that "correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(g)(3). "A 'palpable defect' is 'a defect that is obvious, clear, unmistakable, manifest,

¹ Plaintiff also filed two "Amendments" to her motion for reconsideration. [Dkt. ## 47, 49.]

or plain.” *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004) (citing *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001)). A motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. E.D. Mich. LR 7.1(g)(3); *Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997).

In her brief, Plaintiff primarily attempts to reargue the court’s decision in its September 22, 2008 Order.² Plaintiff states the importance of the information she sought in her previous motion to compel (Pl.’s Mot. at 2) and quotes the scope of discovery available to her under the Federal Rules of Civil Procedure (Pl.’s Mot. at 3). Plaintiff further argues that Defendants willfully concealed and delayed delivery of discoverable information and documents (Pl.’s Mot. at 3-4), and that they did not provide complete Rule 26 disclosures (Pl.’s Mot. at 6).³

Plaintiff, however, merely makes conclusory allegations of “palpable defect” with no argument as to how the court’s decision in the September 22, 2008 Order actually constitutes a “palpable defect.” Instead, Plaintiff presents essentially the same arguments regarding why the court should grant her motion for reconsideration that she presented in her motion to compel. The court cannot grant a motion for reconsideration when it previously ruled on the same arguments. See E.D. Mich. LR 7.1(g)(3);

² Plaintiff notes that the court incorrectly stated a date in its September 22, 2008 Order. The incident in dispute between the parties occurred on January 4, 2006, not on January 4, 2008, as the court stated. (See 9/22/08 Order.)

³ Plaintiff also seeks discovery regarding certain individuals, information regarding whom Defendants possess. A motion for reconsideration is not the proper place for the court to address such a request, and the court has addressed this request in its November 18, 2008 Opinion and Order.

Czajkowski, 967 F. Supp. at 952 (E.D. Mich. 1997). Plaintiff has not demonstrated palpable error by which the court was misled, and the correction of which would result in a different disposition of the case. See E.D. Mich. LR 7.1(g)(3). Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Reconsideration to compel discovery due to palpable error and request for correction of the courts [sic] order" [Dkt. # 45] is DENIED.

s/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 21, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 21, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(313) 234-5522